MONTANA LEGISLATIVE HISTORY

Chapter 44 19 83

Bill H 258 S _____ Original bill & history ✓ C

H. Committee on Agriculture Livestock & Irrigation			S. Committee on Agriculture Livestock & Irrigation		
Hearing Date(s)	Jan 21	✓ C	Hearing Date(s)	Feb 09	✓ C
		C			C
		C			C
		C			C
Date Out	Jan 21	✓ C		Feb 09	✓ C

BEST COPY AVAILABLE

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HOUSE BILL NO. 258

INTRODUCED BY DEVLIN, GRAHAM, LEE, HOLLIDAY, RYAN, KEYSER, SCHULTZ

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

IN THE HOUSE

January 15, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
January 21, 1983	Committee recommend bill do pass. Report adopted.
January 22, 1983	Bill printed and placed on members' desks.
January 25, 1983	Second reading, do pass.
January 26, 1983	Considered correctly engrossed.
January 27, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 28, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
February 9, 1983	Committee recommend bill be concurred in. Report adopted.
February 12, 1983	Second reading, pass consideration.
February 14, 1983	Second reading, concurred in.
February 16, 1983	Third reading, concurred in. Ayes, 50; Noes, 0.

IN THE HOUSE

February 16, 1983	Returned to House. Sent to enrolling.
	Reported correctly enrolled.

3RD READING: 03/24/83 AYES: 49; NAYS: 0
RETURNED TO HOUSE 3/24/83

TRANSMITTED TO GOVERNOR: 04/01/83
SIGNED: 4/5/83, CHAPTER 399

258 -- DEVLIN, GRAHAM, HOLLIDAY, ET AL. -- TO PROHIBIT THE ENTRY INTO MONTANA OF EASED LIVESTOCK, WITH CERTAIN EXCEPTIONS; AMENDING SECTION ....
BY REQUEST OF: THE DEPARTMENT OF LIVESTOCK

INTRODUCED: 01/15/83
REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION: 01/15/83
HEARING: 1/21/83
REPORT: 01/21/83, DO PASS
2ND READING: 01/25/83, DO PASS AYES: 98; NAYS: 0
3RD READING: 01/27/83, DO PASS AYES: 96; NAYS: 0

TRANSMITTED TO SENATE: 1/27/83
REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION: 01/28/83
HEARING: 2/9/83
REPORT: 02/09/83, BE CONCURRED IN
2ND READING: 02/14/83 AYES: 50; NAYS: 0
3RD READING: 2/16/83 AYES: 50; NAYS: 0

RETURNED TO HOUSE: 02/16/83

TRANSMITTED TO GOVERNOR: 02/21/83
SIGNED: 2/24/83, CHAPTER 44

59 -- RAMIREZ, VINCENT -- TO PROVIDE FOR THE PAYMENT OF COMPENSATION AND EXPENSES ANY LEGISLATOR ATTENDING PRESESSION MEETINGS OF ANY COMMITTEE ALTHOUGH NOT A MEMBER EREOF; CHANGING THE NUMBER OF ROUND TRIPS DURING A SESSION FOR WHICH A LEGISLATOR ST SUBMIT A MILEAGE CLAIM IN ORDER TO BE REIMBURSED; AMENDING SECTIONS ...; AND OVIDING AN IMMEDIATE EFFECTIVE DATE.
BY REQUEST OF: THE LEGISLATIVE COUNCIL

INTRODUCED: 01/15/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 01/15/83
HEARING: 1/26/83
REPORT: 01/28/83, DO PASS
2ND READING: 01/31/83, DO PASS AYES: 88; NAYS: 9
3RD READING: 02/02/83, DO PASS AYES: 88; NAYS: 11

TRANSMITTED TO SENATE: 2/2/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 02/03/83
HEARING: 3/2/83
REPORT: 3/2/83, BE CONCURRED IN
2ND READING: 03/05/83 AYES: 46; NAYS: 3
3RD READING: 03/08/83 AYES: 38; NAYS: 10

RETURNED TO HOUSE WITH AMENDMENTS: 3/8/83
2ND READING: 03/10/83, BE NOT CONCURRED IN AYES: 78; NAYS: 14

FREE CONFERENCE COMMITTEE APPOINTED: 3/11/83
DIED IN CONFERENCE COMMITTEE

260 -- D. BROWN, FABREGA, SWITZER, ET AL. -- TO CLARIFY THAT THE RESOURCE

HOUSE BILL NO. 258

INTRODUCED BY Destin Sales, Joe Holliday, Ryan Zeyer, Dave Lewis

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE ENTRY INTO MONTANA OF DISEASED LIVESTOCK, WITH CERTAIN EXCEPTIONS; AMENDING SECTION 81-2-703, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 81-2-703, MCA, is amended to read:

"81-2-703. Documents required for importation -- exemption exemptions. (1) Except as provided in subsection (6), no animal, animal semen, or animal biologic may be brought into the state without a permit and also a health certificate.

(2) The department shall issue a permit if no significant danger to the public health will ensue upon importation of the animal into the state. No permit may be issued for livestock infected with or exposed to brucellosis, tuberculosis, or any other infectious, contagious, or communicable animal disease, except that cattle with a positive reaction to a recognized test for brucellosis may be permitted entry when destined directly for slaughter at a slaughterhouse under United States department of agriculture supervision.

(3) The department may waive the requirement for a health certificate or a permit as provided in subsection (7).

(4) The requirements of subsection (1) apply regardless of species, breed, sex, class, age, point of origin, place of destination, or purpose of movement.

(5) All required documents must be attached to the waybill or be in possession of the driver of the transporting vehicle or of the person in charge of the animals. When a single permit or health certificate is issued for animals being moved in more than one vehicle, the driver of each vehicle shall have in his possession a copy of the permit and, where applicable, a health certificate.

(6) Animals, animal semen, or animal biologics being moved through the state with no intent to unload or deliver in the state are exempted from this part. In an emergency situation, such transitory cargo may be unloaded in compliance with the quarantine rules promulgated by the department.

(7) A waiver of the requirement for a health certificate or a permit shall be based upon evidence that there will be no significant danger to the public health if the exemption is granted."

-End-

INTRODUCED BILL
HB 258

MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE, JANUARY 21, 1983

The meeting was called to order by Chairman Jacobsen on Friday, January 21, 1983 at 12:30pm in Room 129, State Capitol. All members were present with the exception of Rep. Jensen, who was absent, and Rep. Roush, who was excused.

HEARINGS

HOUSE BILL 258. REP. GERRY DEVLIN, District 52, Prairie County, testified as sponsor of the bill to control the entry of diseased livestock into the State. He told the Committee present administrative rules were subject to challenge and although a disease-free state could not be accomplished intirely, the bill was the best attempt to do so.

PROPONENTS

MRS. JO BRUNNER, Women Involved in Farm Economics stated her support of the bill in prepared testimony (exhibit).

DR. JAMES GLOSSER, Department of Livestock said the Department requested the bill to amend a recently implemented statute pertaining to the permit system. He advised the Committee the Department had to rely upon administrative rules four years ago during a scabies outbreak and said all decisions he makes as State Veterinarian are based on exports, adding Montana tends to be a brucellosis-free state. Dr. Glosser told the Committee the bill would allow Montana to work directly with the state from which the disease originated, rather than applying for special dispensation in Washington, D.C., adding the State would be in a better position to remove the accreditation of a veterinarian who falsifies animal health documents. He said the penalty for such falsification would be a fine from $50 to $500 and up to six months confinement. The federal penalty is $1000 to $1500, he said, asking the Committee to give the bill favorable consideration.

MR. MONS TIEGEN, Montana Stockgrowers and Montana Cowbelles Associations told the Committee scabies is present in Idaho now, which only reinforces the need for this legislation in Montana.

REP. RAY LYBECK, District 16, testified as a representative of the Montana Cattlemen's Association and stated his support of the bill.

MR. WILL BROOKE, Montana Woolgrowers Association and MRS. NORRIS COLE, stated their support of the bill.

OPPONENTS

There were no opponents of the bill.

QUESTIONS

CHAIRMAN JACOBSEN asked Dr. Glosser if the bill would change present rules to statutes, to which Dr. Glosser replied it would.

REP. SCHULTZ told the Committee he believes a statement of intent is necessary. Dr. Glosser told him there is no problem with legislative intent, adding the matter had been discussed with the Legislative Council staff attorney who drafted the bill.

REP. ELLERD asked if a permit would be required for all livestock entering the State. Dr. Glosser said a telephonic permit would be required in addition to technical judgment of tests in the originating state.

REP. SCHULTZ asked how Section 1. (7) related to statute. Dr. Glosser said waivers for health certificates would be available in certain instances where, for example, livestock were originating two miles from the Montana border. He advised the Committee the permit would never be waived, adding all cattle have a blanket permit, even when brought to market.

IN CLOSING, Rep. Devlin said the bill would clean up the livestock industry and promote a free flow of cattle from the State.

EXECUTIVE SESSION

HOUSE BILL 258. REP. SCHULTZ moved the bill Do Pass. The motion was seconded by Rep. Ryan and unanimously approved by the Committee.

REP. RYAN moved the bill be put on the Consent Calender. Rep. Lybeck seconded the motion, which failed, with Rep. Ernst voting no.

HOUSE BILL 113. REP. SPEATH moved the bill Do Pass.

STANDING COMMITTEE REPORT

JANUARY 21 19 93

MR. SPEAKER:

We, your committee on ~~HIGHWAYS AND TRANSPORTATION~~ AGRICULTURE

having had under consideration HOUSE Bill No. 258

~~reading copy~~ (Color)

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE ENTRY INTO MONTANA OF DIESASED LIVESTOCK, WITH CERTAIN EXCEPTIONS; AMENDING SECTION 81-2-703, MCA."

Respectfully report as follows: That HOUSE Bill No. 258

DO PASS

REP. GLENN JACOBSEN

Chairman.

STATE PUB. CO.
Helena, Mont.

WITNESS STATEMENT

Name Jeanne Rankin Date Jan 21, 83

Address 502 S. 19th Bozeman, MT. 59715 Support ? ✓

Representing _____ Oppose ? _____

Which Bill ? HB 258 Amend ? _____

Comments:

The MFBF supports this Bill and goes on record as such

Jeanne M. Rankin

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

NAME Will Bracke BILL No. HB 25E

ADDRESS 420 No Calif / Helena, MT DATE 1/21

WHOM DO YOU REPRESENT Mt Wolfgrowers / Mt Cattlemen's Assn

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

FORM CS-34
1-81

WITNESS STATEMENT

NAME Mons Teigen BILL No. 258

ADDRESS Helena DATE 1/21/87

WHOM DO YOU REPRESENT Mont. Stockgrowers & Cowbelles

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

We believe this legislation is badly needed in view of present potential disease problems lurking in adjoining States

FORM CS-34
1-81

WIFE Women Involved In Farm Economics

WITNESS STATEMENT

NAME Jo Brunner BILL NO. HB 258

ADDRESS 563 3rd St, Helena DATE January 21/83

REPRESENTING Women Involved in Farm Economics

SUPPORT X OPPOSE AMEND

Mr. Chairman, members of the committee, for the record, myname is Jo Brunner and I represent the Women Involved in FArm Economics Organization. Mr. Chairman, our organization strongly supports House Bill 258.

For years the state of Montana, ~~both~~ our livestock officials, our livestock organizations, our ranch and farm families, have worked diligently toward eradicating the costly and heartbreaking diseases from our livestockherds. Not too long ago our women heard people from the Department of Livestock tell us that our state could be considered as brucellosis free as is humanly possible. And our people in our livestockcommunities should be very proud of this accomplishment. I guess if you have never seen or experienced the heartbreaking, and costly loss of a complete herd of cattle, you might not understand our enthusiasim over such news. I can remember when whole herds of dairy cattle were lost to ~~the~~ Bangs disease.

But today things are a little gloomier than they were yesterday. And perhaps if you do not remember when brucellosis was a terrible problem to our livestock people, you won't understand that I doubt I could have felt worse had I been told that there was a small pox out break, instead of the sad fact of one rancher who did not, would not----vaccinate his herd; that somehow or other cattle were imported from a state that was not brucellosis free; that these two herds were mixed, and now nearly a year later, out of a herd of 129 cows, so far 37 are bangers--so far that is. As of this writing ~~So far--several~~ have aborted--so far. And what of the neighboring herds??? Are they all vacinated? I guess we can imagine any number of problems that may come out of this one instance---but needless to say, today, even more than yesterday or the day before---W.I.F.E. concurs with HB 258 and urges your passage of that bill. Thank you.

MINUTES OF THE MEETING
AGRICULTURE, LIVESTOCK AND IRRIGATION
MONTANA STATE SENATE

February 9, 1983

The Agriculture, Livestock & Irrigation Committee meeting was called to order on the above date, in Room 415 of the State Capitol Building, at 1:00 p.m., by Vice Chairman Kolstad.

ROLL CALL: All members present except Senators Aklestad and Lee.

HOUSE BILL 165: Representative Ron Miller, HD 42, told the committee that Montana law requires all dairies selling or giving away milk for public consumption to be licensed. With the license they are required to meet requirements in areas of facilities and equipment as far as health and safety are concerned and must follow the Pasteurized Milk Ordinance. Many dairies are not licensed and are operating without the Department's knowledge. Many are selling under the guise of saying "for pet use only", when they are actually selling for human consumption. This milk, in the raw form, which is not tested can carry dangerous diseases. Testimony attached Exhibit #1.

Doctor James Glosser, Administrator Animal Health Division, Department of Livestock, said there are two precise reasons for the Department's inabilty to enforce these problems pointed out by Representative Miller. This will allow the Department to be sure that the public is receiving a safe product. The intent is not to prohibit exchange within families, but only when the product is offered for sale or public consumption. The bill enforces the laws regarding those trying to circumvent the law. He did not feel raw milk should be taken off the market. There would be no increase in staff for monitoring as it is already the responsibility of the Department to investigate problems if they have a complaint. The bill only tightens the law. He urged the committee to give a favorable decision to the bill.

Jeanne Rankin, Montana Farm Bureau, went on record in support of HB 165. Exhibit #2.

There were no further proponents or opponents.

HOUSE BILL 258: Representative Gerry Devlin, HD 52 remarked that the bill was introduced to get a firmer handle on bringing diseased livestock into the state. The Department of Livestock is trying to accomplish this by administrative rule. This bill does just what administrative rule does now, but makes it law.

Doctor James Glosser, Animal Health Division Department of Livestock, said this was another bill at the request of the

Department. The bill tightens down legal requirements in regard to diseased livestock coming into the state. Montana is an exporting state. For every animal imported, 14 are exported. Montana has been free of blue tongue for years. The bill would allow the Department to escort diseased animals to the border and get rid of them. If animals were misrepresented, this would give the Department authority to get them out of the herd. He urged a do pass.

Jo Brunner, WIFE, supported the bill. Exhibit #3.

Jeanne Rankin, Montana Farm Bureau, said every year at their state convention they support the erradication program and urged support of the bill.

Senator Devlin, in closing, said the borders of Montana are being bombarded constantly and the Department of Livestock needs the codes to make this stick so that Montana can continue to have a healthy cattle industry.

Hearing closed on HB 258.

DISPOSITION OF SB 259: Senator Boylan moved to accept the Statement of Intent for SB 259. Motion carried.

Senator Boylan moved Montana Stock Growers Association amendments to SB 259. Motion carried.

Senator Conover moved Department of Livestock amendments to SB 259. Motion carried.

Senator Boylan moved SB 259, as amended DO PASS. Motion carried.

SENATE BILL 233: Senator Galt moved SB 233 be removed from the table for purposes of discussion and further action. A roll call vote was called and there were 3 Yes, 4 No, and two senators absent. The bill remains Tabled.

SENATE BILL 238: Senator Kolstad said there had been many calls in regard to this bill and asked the committee's feelings. Senator Boylan said they would have to go before the Appropriations Committee with 3 FTE's for pesticides. They laready have 20 FTE's now and they get 70% of their budget from the general fund. He did not feel this was justifiable.

DISPOSITION OF SB 238: Senator Boylan moved SB 238 DO NOT PASS. Motion carried.

Senator Aklestad's letter to the ASC in regard to the checkoff for Wheat Research and Marketing was read to the committee. Exhibit #4. It was suggested the secretary add, at the end of the letter, "Members of the Senate Agriculture Committee" and have it signed by Senator Galt, as chairman. The committee approved sending the letter to ASC.

DISPOSITION OF HB 165: Senator Ochsner moved HB 165 BE CONCURRED IN. Motion carried. Senator Boylan asked to be recorded No. Senator Ochsner will carry the bill on the floor.

DISPOSITION OF HB 258: Senator Conover moved HB 258 BE CONCURRED IN. Motion carried. Senator Graham will carry the bill on the floor.

There being no further business, the meeting adjourned.

Allen C. Kolstad

SENATOR ALLEN C. KOLSTAD, Vice Chairman

ROLL CALL

AGRICULTURE COMMITTEE

HB 165
HB 258

48th LEGISLATIVE SESSION - - 19 83 Date 2-9-83

NAME	PRESENT	ABSENT	EXCUSED
GALT, Jack E.	✓		
KOLSTAD, Allen C.	✓		
AKLESTAD, Gary C.		✓	
OCHSNER, J. Donald	✓		
GRAHAM, Carroll	✓		
BOYLAN, Paul F.	✓		
CONOVER, Max	✓		
LANE, Leo	✓		
LEE, Gary			✓

Each day attach to minutes.

Exhibit #3
Agriculture 2/9/83

WIFE Women Involved in Farm Economics

HB 258

Feb. 9, 1983

563 3rd

X

TO:

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD, MY NAME IS JO BRUNNER, AND I REPRESENT THE WOMEN INVOLVED IN FARM ECONOMICS ORGANIZATION. MR. CHAIRMAN, OUR ORGANIZATIONSTRONGLY SUPPORTS HOUSE BILL 258.

FOR MANY YEARS THE STATE OF MONTANA, OUR LIVESTOCK OFFICIALS, OUR LIVESTOCK ORGANIZATIONS, OUR RANCH AND FARM FAMILIES HAVE WORKED DILIGENTLY TO ERADICAT THE COSTLY AND HEARTBRAAKING DISEASES FROM OUR LIVESTOCK HERDS. WE HAD FINALLY REACHED THE POINT WHERE THE STATE OF MONTANA WAS CONSIDERED AS BRUCELLOSIS FREE AS IS HUMANLY POSSIBLE.

I SUPPOSE IF YOU HAVE NEVER SEEN OR EXPERIENCED THE TREMENDOUS LOSS OF A COMPLETE HERD OF CATTLE, OR EVEN THE PROBLEMS ASSOCIATED WITH AN OUTBREAK OF THE DISEASE, YOU MIGHT NOT UNDERSTAND THE RANCHERS FEELINGS WHERE THE DREADED BANGS DISEASE IS CONCERNED.

WE HAVE RECENTLY EXPERIENCED A NEW OUTBREAK OF THE DISEASE IN OUR STATE. WE UNDERSTAND THAT MANY LIVESTOCK PEOPLE DO NOT CONSIDER IT A NECESSITY TO VACINATE FOR BRUCELLOSIS, AND WHILE WE CERTAINLY DO NOT INTEND TO SUGGEST ANYTHING BENEFICIAL COMING FROM THAT OUTBREAK IT IS OUR HOPE THAT THE VACINATION PROCESS WILL PICK UP NOW.

WE CERTAINLY DO CONCUR WITH HB 258 AND ANY TIGHTENING OF RESTRICTIONS CONCERNING IMPORTATION OF DISEASED OR INFECTED ANIMALS INTO OUR STATE. We ask a do pass.

THANK YOU.

"Hell has no fury like a woman scorned"

STANDING COMMITTEE REPORT

FEBRUARY 9 19 83

MR. PRESIDENT

We, your committee on AGRICULTURE, LIVESTOCK AND IRRIGATION

having had under consideration HOUSE Bill No. 258

Devlin (Graham)

Respectfully report as follows: That HOUSE Bill No. 258

third reading (blue)

BE CONCURRED IN

~~DOXXXSX~~

Allen C. Kolstad, Vice Chairman.

D.R.W.

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 258

INTRODUCED BY DEVLIN, GRAHAM, LEE, HOLLIDAY, RYAN, KEYSER, SCHULTZ

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE ENTRY INTO MONTANA OF DISEASED LIVESTOCK, WITH CERTAIN EXCEPTIONS; AMENDING SECTION 81-2-703, MCA."

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-End-

REFERENCE BILL